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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES CATHCART, et al.,

Defendants.

Case No. C-07-4762-PJH

**[PROPOSED] ORDER GRANTING  
DEFENDANT ROBERT J. NAGY'S  
MOTION TO STAY THE  
PROCEEDINGS OR IN THE  
ALTERNATIVE TO SEVER ALL  
CLAIMS AND TRANSFER VENUE  
PURSUANT TO 28 U.S.C. 1404(a)**

Date: September 10, 2008

Time: 9:00 a.m.

Dept.: Room 3, 17<sup>th</sup> Floor

Trial: March 23, 2009

Defendant ROBERT J. NAGY'S Motion to Stay the Proceedings or in the  
Alternative to Sever All Claims and Transfer Venue Pursuant to 28 U.S.C. 1404(a) came  
before the Court for hearing on September 10, 2008. Having read the parties' papers,  
heard the parties' arguments, and carefully considered the relevant legal authority, the  
Court hereby GRANTS the Motion for reasons summarized as follows:

The Court finds that it is necessary to grant this Motion to preserve Mr. Nagy's

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**[PROPOSED] ORDER GRANTING DEFENDANT ROBERT J. NAGY'S MOTION TO STAY THE  
PROCEEDINGS OR IN THE ALTERNATIVE TO SEVER ALL CLAIMS AND  
TRANSFER VENUE PURSUANT TO 28 U.S.C. 1404(a)**

1 Seventh Amendment right to a jury trial on the issue of whether his alleged conduct  
2 violated 26 U.S.C. 6700.

3 Accordingly, the Motion is GRANTED and these proceedings are stayed until the  
4 issue of whether Mr. Nagy's alleged conduct violates 26 U.S.C. 6700 has been tried in  
5 Case No. 2:08-cv-02555-MBS in the District of South Carolina, Charleston Division, or  
6 until such time as said Case is disposed of prior to trial.

7 [OR]

8 The Court finds that it is necessary to grant this Motion to preserve Mr. Nagy's  
9 Seventh Amendment right to a jury trial on the issue of whether his alleged conduct  
10 violated 26 U.S.C. 6700. The Court further finds that transfer of all claims against Mr.  
11 Nagy to the District of South Carolina, Charleston Division, will serve the convenience of  
12 the parties and be in the interests of justice. The District of South Carolina, Charleston  
13 Division, is a district where the case against Mr. Nagy might have been brought because a  
14 substantial part of the events giving rise to this matter occurred there. Finally, the Court  
15 also finds that use of its discretion under Federal Rule of Civil Procedure 21 to sever all  
16 claims against Mr. Nagy is appropriate under the present circumstances.

17 According, the Motion is GRANTED and all claims against Mr. Nagy are hereby  
18 severed pursuant to Federal Rule of Civil Procedure 21 and transferred to the District of  
19 South Carolina, Charleston Division, pursuant to 28 U.S.C. 1404(a).

20 **IT IS SO ORDERED.**

21  
22 Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Phyllis J. Hamilton  
United States District Judge